

DN LEWO 7710US
PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Woodson C. Lewis

Serial No.: 09/527,927

Filed: March 17, 2000

For: ELECTRONIC TICKETING
AND VALIDATION
SYSTEM AND METHOD

Group No.: 2166

Examiner: Kalinowski

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

RECEIVED

MAR 13 2002

OFFICE OF PETITIONS

**SUPPLEMENTAL DECLARATION OF PRIOR INVENTION IN THE
UNITED STATES TO OVERCOME CITED PUBLICATION
(37 C.F.R 1.131)**

This supplemental declaration is being submitted to establish conception of the invention in this application in the United States, at a date prior to January 26, 2000, that is the effective date of a prior art publication cited by the Examiner coupled with due diligence from prior to the effective date of the publication to a subsequent filing of this application.

The person making this declaration is the inventor.

To establish the date of conception of the invention of this application, the following attached documents are submitted as evidence: Exhibit A entitled Electronic Entertainment Services Plan; and Exhibit B entitled e.tickets.com Electronic Entertainment Access Systems.

I prepared Exhibit A at a date earlier than the effective date of the reference.

Exhibit A is an executive overview of my invention. In particular, on the second page of Exhibit A, a background of the problems associated with the current ticketing system is outlined. On page three of Exhibit A there is disclosed a system for ordering tickets over the Internet. The customer has the capability of printing the ticket locally at home. A password or special code is included on the ticket and this is validated at the event upon arrival.

I prepared Exhibit B at a date earlier than the effective date of the reference.

Exhibit B is a document which discloses and explains my invention. In particular, on page 3, the invention is described as an Internet based product which allows consumers to select, order, and locally print entertainment event admission tickets from their own PC. It allows users to visit a web site to select their desired event, time and location, order and purchase their tickets, select their seating, and immediately print their tickets at their PC. With the ticket in hand, the user can arrive at the entertainment venue and proceed directly to the point of admission. The ticket is scanned for the system assigned sequence number that appears in a bar code format on the face of their PC printed ticket. Once entry is granted, the system updates the admission record so that duplicate entry (ticket fraud) is not allowed. On page 7 of Exhibit B there is described the ticket having printed thereon the event description, the venue name and location, the event day and time, and, if applicable, the seat selected or assigned. Further, on page 8 of Exhibit B there is disclosed the use of a bar code printed on the face of the ticket that represents a number assigned by the system at the time the ticket is ordered which is unique to that ticket purchase. The bar code is scanned at the point of admission, verified by the system

online, and entry is immediately permitted. On page 11 of Exhibit B there is described the capability of downloading and storing a ticket on a hand held 3G device, such as an internet connected PDA (personal digital assistant for example a Palm Pilot) or a cellular phone. The electronic ticket would then be used to gain admission.

From these documents, it can be seen that the invention in this application was conceived at a date earlier than the effective date of the reference.

The following establishes my diligence from a time just prior to the date of the reference, January 26, 2000, up to the filing of this application, March 17, 2000, the constructive reduction to practice. After the conception date and prior to the effective date of the reference, I had a meeting with my patent attorney on January 20, 2000.

After that meeting and on January 20, 2000, I requested that a patentability search be conducted and such was conducted. It was my understanding that the patentability search would entail my patent attorney requesting an associate in Washington, D.C. to conduct a hand search of the patents in the U.S. Patent and Trademark Office and that such search could take a minimum of three to four weeks to complete. Enclosed identified as Exhibit C is a copy of a letter my patent attorney sent on January 21, 2000, to an associate in Washington, D.C. to conduct a patentability search.

Also enclosed and identified as Exhibit D is a copy of both sides of the letter my patent attorney received back from the associate in Washington, D.C., which included the results of the patentability search. Although the letter identified as Exhibit D indicates a date of January 31, 2000, the backside of such letter indicates that the letter was not received by my patent attorney until February 7, 2000. It is my understanding that my patent attorney reviewed the patentability search and prepared a patentability search

report during February 8, 2000, and February 9, 2000. My patent attorney sent the patentability search report to me by a letter dated February 9, 2000.

I received a copy the patentability search report on February 10, 2000. Enclosed in redacted form and identified as Exhibit E is a copy of the search report dated February 9, 2000, from my patent attorney. The search report was five pages long and contained seven U.S. patents. These seven patents are attached to this Supplemental Declaration and are identified as Exhibits F, G, H, I, J, K and L. It is my understanding that these patents were submitted to the U.S. Patent and Trademark Office in an Information Disclosure Statement as part of my duty of disclosure.

Since this was my first experience with patents, I carefully reviewed the search report and the patents from February 10, 2000, until February 18, 2000.

On February 18, 2000, I completed my review of the search report and the patents and I phoned my patent attorney to discuss these patent references and also to set up an appointment to discuss the preparation of a patent application and the patent application process. The first appointment date which my patent attorney had available was February 21, 2000.

I met with my patent attorney on February 21, 2000, and at such meeting I informed my patent attorney to prepare a patent application. It was my understanding from my patent attorney that due to his schedule it would take between three and four weeks for the preparation of a patent application.

On March 15, 2000, my patent attorney mailed out to me a draft of the patent application and I received a copy of a draft of the patent application on March 16, 2000. Enclosed identified as Exhibit M is a copy of a letter dated March 15, 2000, from my

patent attorney which included a copy of the draft of the patent application. On March 16, 2000, I reviewed the draft of the patent application and after my review was complete I phoned my patent attorney to set up an appointment for me to finalize the patent application with my patent attorney and to file the patent application. The next available appointment date that my patent attorney had was March 17, 2000.

On March 17, 2000, I met with my patent attorney and we finalized the patent application. At this meeting I also executed formal papers that were required to be submitted with the patent application. Enclosed and identified as Exhibit N is a copy of a formal paper entitled DECLARATION AND POWER OF ATTORNEY which was submitted with this patent application with date of execution of this document being March 17, 2000. Also enclosed and identified as Exhibit O is a copy of a formal paper entitled VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS which was submitted with this patent application with date of execution of this document being March 17, 2000. The patent application was filed on March 17, 2000.

The afore-mention and the enclosed documents show my diligence from just prior to the effective date of the reference and the filing date of my patent application that is a constructive reduction to practice.

This supplemental declaration is being submitted with a Continued Prosecution Application (CPA) and is being submitted prior to a final rejection.


As the person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

EXPRESS MAIL LABEL NO. EL 820488289 US

like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Woodson C. Lewis
502 Autumn Oaks Drive
St. Louis, Missouri 63021

Dated: March 11, 2002

Enclosures: Exhibits A-O